

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
) No. 03-10370-DPW
v.)
)
)
1. DOUGLAS BANNERMAN,)
2. KURT WALTER,)
(a/k/a "Cort"))
3. GARY NEWELL,)
4. DANIEL MACAULEY,)
5. JOHN MCCARTHY,)
Defendants.)

GOVERNMENT'S MOTION FOR ADDITIONAL TIME
IN WHICH TO PREPARE (CONSOLIDATED) STATEMENT OF OFFENSE CONDUCT

The United States of America, by its attorneys, United States Attorney Michael J. Sullivan, and Assistant U. S. Attorney Rachel E. Hershfang, hereby moves for additional time in which to prepare the government's statement of offense conduct, due for defendant Daniel MacAuley on Tuesday, August 30.

In support of this motion, the government states as follows:

1. In addition to Mr. MacAuley, four codefendants are scheduled for Rule 11 hearings within a week;
2. Trial for the remaining defendants will begin on September 12 and is currently anticipated to last approximately three weeks;
3. Both the government and the Probation Officer assigned to the case would prefer that the government produce a

consolidated statement of offense conduct, rather than piecemeal statements directed to individual defendants. A consolidated statement will more allow for more accurate assessment by Probation of the various defendants' roles and involvement in the charged offense, and will provide a more coherent presentation for the Court and defense counsel;

4. Preparation of a consolidated statement of offense conduct before the codefendants' pleas would be premature, and would not allow for evidence adduced at trial to be presented to Probation and to the Court; and

5. The Probation Officer has confirmed that a delay to the end of September for the submission of the consolidated statement of offense conduct would not interfere with the Court's scheduled sentencing date of November 22, 2005.

Accordingly, the government respectfully asks that the Court deem a consolidated statement of offense conduct for Mr. MacAuley and all other pleading defendants to be due to the Probation Officer on September 30, 2005.

Respectfully submitted,
MICHAEL J. SULLIVAN
United States Attorney

By: /s/ Rachel E. Hershfang
RACHEL E. HERSHFANG
Assistant U.S. Attorney

Dated: August 25, 2005